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International Committee on the Rights of Sex Workers in Europe
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COMMUNITY
report

EXPLOITATION

Unfair labour arrangements and precarious working conditions in the sex industry

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INTRODUCTION

The sex workers' movement in Europe and across the globe has a long and dynamic history. For decades, community members and their allies have been actively advocating for freedom from stigmatisation, violence and legal oppression, calling for sex workers' right to autonomy and self-determination, and requesting their unconditional access to justice and healthcare. One of the key demands driving collective mobilisation and activism among sex workers has been the recognition of sex work as labour, i.e. a legitimate occupation and way to earn one's livelihood. In consequence, sex workers shoud be entitled to the same labour rights and protections as any other workers.

Although this demand has been repeatedly vocalised by the sex worker movement since the 1970s and found its way into sex work legislations of several countries,[1] and into official documents of the International Labour Organisation (ILO),[2] it is still downplayed or contested in some scholarly writing and, more frequently, in political debates. We refer here to the neo-abolitionist stance expressed (and enacted) in academia, public media, court rooms, and parliaments, which obstinately refuses to recognise sex work as work and, in turn, depicts it as indivisibly bound up with coercion, subjugation, and abuse. Some neo-abolitionist and anti-prostitution advocates go even further and state that regardless of the respective national setting, legal context or type of work environment in which it takes place, sex work represents in itself a form of violence, exploitation or even a manifestation of 'sexual slavery'.[3] This conviction is not only untruthful and ideological but also very harmful and dangerous, as it spurs on attempts to eradicate sex work through legal developments, such as the criminalisation of third parties or clients, repressive policing of sex workers through municipal by-laws, or uneven anti-trafficking measures. In result, the neo-abolitionist stance contributes to the criminalisation of sex workers' workplaces and leads to their increasing victimisation as 'prostituted women' or 'sex slaves'.

Sex work is work, a form of livelihood and economic activity.

This community report aims to engage in the discussion over exploitation in the sex industry, while simultaneously challenging the neo-abolitionist definition of sex work (or 'prostitution') as 'sexual exploitation'. It argues

1 Including Austria, Germany, Greece, Turkey, or the Netherlands.

2 ILO 2010.

3 The 'Report on Sexual Exploitation and Prostitution and its Impact on Gender Equality', submitted to the European Parliament by MEP Mary Honeyball in 2014, includes the following statements: 'Prostitution is a form of slavery incompatible with human dignity and fundamental human rights.'… 'Making prostitution and procuring normal activities, or legalising them in any way, is to legalise sexual slavery and gender inequality for women.' These statements explicitly equate sex work with slavery.

that this approach obscures the complex realities of sex workers' lives and work arrangements, and in consequence fails to address the diversity of exploitative working practices that do occur in the sex industry. Both sex work, as form of work and income-generating activity, and exploitation in the sex industry, so labour arrangements that enable one person to take unfair advantage of the work of another person, belong to the realm of work and should be viewed and analysed through the lens of labour. Only by focusing on sex workers' working conditions, as well as employment practices and arrangements under which sexual services are sold and exchanged can we come to a better understanding of and challenge exploitation in sex industry.

Exploitation: labour arrangements that enable one person to take unfair advantage of the work of another person.

Sex workers in Amsterdam protest against the closure of windows in the Red Light District, Amsterdam, The Netherlands, May 1st 2015, credit: Robin van Lokhuijsen

CONFRONTING MYTHS AND REALITIES OF EXPLOITATION IN SEX WORK

Engaging in the debate over exploitation in sex work is a challenging task, as it requires confronting misconceptions about the nature of sex work, which are deeply rooted in various legal frameworks and the public's imagination. One particularly problematic myth is that of all sex workers being forced into an industry believed to be inherently and exceptionally exploitative. From this neo-abolitionist perspective, sex work is seen as the quintessential expression of gender-based violence because it is seen as completely commodifying women's bodies and selves for the pleasure and benefit of men. In the course of this commodification, sex workers are supposedly turned into sexual objects, believed to be bought and sold, displayed and exchanged. For this reason, neo-abolitionists claim that 'prostitution' should be defined as the ultimate form of 'sexual exploitation', to which no woman could ever consent.

This perspective is problematic because first of all, it constructs all sex workers as powerless victims and refuses to acknowledge their agency in making decisions about their lives and work. This could not be further from reality as sex workers constitute a heterogenic group of individuals of all genders who decide to engage in sex work for many different reasons. Their ways into sex work differ just as much as their way out of it, and the same applies to their life stories, aspirations, and socio-economic circumstances. Some might decide to work in the sex industry because it allows for more flexible working hours and gives them greater control over their working conditions than other jobs. Others choose sex work because they find it financially rewarding. For other again, it may be the most acceptable of very few options available to them which enables them to provide a living for themselves and their families. In other words, sex workers, just like any other people living in capitalist societies, must navigate sometimes very unfavourable legal, social, and economic environments,[4] and use the resources and opportunities available to them to shape their lives and earn an income needed for subsistence.

Sex workers – just like anyone else living in late capitalist societies – try to navigate in sometimes very unfavourable legal, social and economic environments, and use the resources and opportunities available to them to shape their lives and earn the income needed for subsistence.

Secondly, this neo-abolitionist perspective further victimises sex workers and misrepresents the diverse realities of their lives by failing to recognise them as workers. The fact is, however, that sex workers are individuals who, rather than being fully subjected to the will of others, usually meaning clients or 'pimps', engage in the exchange of bodily, sexual, and emotional labour for money or other goods. Sex work is primarily an economic en-

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terprise involving the sale of services, including sexual intercourse, massages, role-plays and BDSM services, dance, or erotic conversations, all of which involve different levels of sexual and corporeal labour, as well as variety of interpersonal, emotional and physical skills. Like in many other service industry jobs, sex workers sell their labour power to their bosses or managers, who then sell the services they provide to their clients. Other sex workers will choose to directly exchange their sexual services for a client's money or other goods. Therefore, instead of 'othering' sex work as 'slavery-like' phenomenon, we ought to realise that the selling sex represents a complex and dynamic labour market shaped by many different factors, such as the location in which sexual services are sold, the presence of different third parties, legal regulations governing sex work, economic trends, or different business practices.

We believe that by deeming all sex work 'sexual exploitation' and refusing to regard it as work, neo-abolitionists are complicit in the concealment of the many forms of labour exploitation sex workers can be, and in various settings in fact are, subjected to. Like all labour markets within capitalist societies, the sex industry is not free from the unjust and exploitative practices that constitute the everyday realities of millions of workers across the globe. Sex workers operate in diverse work arrangements, which allow them different levels of autonomy and control over their working conditions, workplace practices or earnings. Some of these arrangements are fair or even empowering, whereas other are unfair and disempowering.[5] These conditions should be considered and dealt with as issues of employment and labour exploitation, not as a matter of sexual exploitation. It is crucial to acknowledge, however, that sex workers cannot be protected from exploitative and unjust working conditions for as long as their work is not recognised as work and they are not granted access to labour rights that empower them as workers.

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'Sexual exploitation' and the law

It is noteworthy that the neo-abolitionist notion of sex work as 'sexual exploitation' is often embodied in the law. In the UK, for instance, the Sexual Offences Act of 2003 created the offence of 'trafficking for sexual exploitation'.[6] This legislation defines 'sexual exploitation' as taking place whenever a person intends to, or does commit a prostitution-related sexual offence, including 'causing, encouraging or controlling a sex worker with the expectation of gain'. What this means is that exploitation in the

5 Poor and unjust working conditions should not be, however, equated with such crimes and rights violations as forced labour, trafficking in human beings or slavery which by definition lack workers' consent.

6 The Modern Day Slavery Act of 2015: s.3(3) now defines 'sexual exploitation' in the context of human trafficking. The provision is essentially the same as in the Sexual Offences Act of 2003.

context of sex work can be proven where a person, e.g. the owner of a brothel or escort agency, simply 'causes' or 'encourages' a sex worker to work in part for their gain, and it is irrelevant whether or not the sex worker consented to this arrangement. This notion can be contrasted to the definition of 'trafficking for labour exploitation' in the Modern Day Slavery Act of 2015, which defines exploitation as occurring in conditions of 'slavery, servitude and forced or compulsory labour'.[7] It is therefore clear that proof of very harsh treatment and coercion is needed in the context of labour exploitation, but in the context of sexual exploitation all that is required is proof that a person has been encouraged to work for a third party, with the expectation of that third party of making a material or other gain. British lawmakers, the judiciary, and neo-abolitionists therefore view exploitation in the context of sex work in pretty much the same way, i.e. as a sexual offence that be consented to, and as inherently different in kind to regular forms of labour exploitation. In practice, the fact that 'sexual exploitation' is located within a sexual offences framework has meant that there is no conversation about which labour conditions in the sex industry might or might not be acceptable.

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German sex worker participating in a protest organised by Hydra agains enforced registration of sex workers proposed by the German Ministry of Family, Berlin, Germany, October 1st 2015, credit: Hydra.

7 Modern Day Slavery Act, 2015: s.2 and s.3(2).

IDENTIFYING EXPLOITATION IN THE SEX INDUSTRY

Although much has been said about labour exploitation in capitalist societies, the nature of exploitation in the sex industry is still poorly understood.[8] Widespread criminalisation and the lack of legal recognition of sex work as work force many sex workers to operate in the informal sector or outside the formal economy. In settings where sex work is legalised or regulated, continued high levels of stigma and anti-sex work sentiment prevent many sex workers from registering and working in the formal economy, rendering their labour conditions and struggles practically 'invisible'. It is difficult to effectively address problems in labour markets that are pushed to the margins of societies and that according to the letter of the law and with the help of law enforcement remain hidden from public view. As a result, there is no formal definition of exploitation in sex work, nor are there any internationally binding standards that could help to determine what constitutes exploitative or just conditions of work and employment in the sex industry.[9]

Below, we highlight examples of exploitative practices in sex work that were identified and reported by members of the sex worker community in the European region. Crucially, and contrary to the neo-abolitionist stance that all clients of sex workers are exploiters, the relationships between sex workers and their clients were hardly ever considered as a form of labour exploitation.[10] Those cases where exploitation in the sex industry was reported were related to unjust labour relations between sex workers and those who in some way facilitate and profit from their work.

When operating in escort agencies, massage parlours, outdoor venues, brothels, private apartments, or lap dance clubs, sex workers engage in various types of working relationships with parties other than their clients. Usually referred to as third parties,[11] these individuals or entities play a key role in organising and managing sexual commerce, handling transac-

Formal economy refers to employment and labour sectors which are recognised, regulated, and taxed by the state. In turn, the informal economy (also called informal sector or grey economy) refers to labour activities and income that are partially or fully outside of government regulation, taxation, and control. These sectors of the informal economy which are characterised by illegality of transactions and the activities performed are often called black market or underground economy.

Exploitation in sex industry is usually related to unjust labour relations between sex workers and those who in some way facilitate and profit from their work.

8 Some of the few exceptions are: Bruckert & Law 2013; Cruz 2013; Modupe-Oluwa Baye & Heumann 2014; Sanders 2008; Sanders & Hardy 2012.

9 x:talk 2010.

10 Most of the ICRSE members consulted considered sex worker – client relationship as a pre-agreed and consensual contract between service providers, i.e. sex workers performing sexual or intimate labour, and service receivers, i.e. clients. Violations of the contract between sex workers and their client or disregard for the mutually agreed services or fees to be paid by clients (e.g. refusal to pay) were defined as a form of violence or abuse, rather than labour exploitation.

11 NSWP 2013; We fully agree with NSWP suggesting that the "term pimp is very stigmatising both in terms of presenting a racialised stereotype, and limited in that it covers only one form of third party working relationships, and in positioning sex workers as victims rather than workers' (NSWP 2013: 1). Therefore we deliberately restrain from using this term in this community report.

tions between sex workers and their clients, or providing other ancillary services that support the sex industry. Thus, the category of third parties includes sex workers' bosses, brothel keepers, agents or managers, as well as those letting premises for sex work, offering advertisement, transport or security.[12] All of these third party relations significantly shape sex workers' labour arrangements and working conditions. Most importantly, however, they also allow managers and bosses, as well as other parties facilitating sex work, to generate profit from or take advantage of sex workers' labour, income, time and skills. The more dependent sex workers are on third parties' support, the greater the risk is of exploitation they might be subjected to in the workplace, as the following paragraphs will illustrate.

Job insecurity

Numerous representatives of sex worker collectives participating in the consultations reported that one of the main challenges faced by sex workers across Europe and Central Asia is the contingent and casual character of their labour arrangements. The vast majority of sex workers in the region are engaged in insecure, irregular and flexible labour arrangements, which do not grant them certainty of employment or income stability.

Sex workers' job insecurity has many faces and varies depending on the sectors in which they operate, but it is usually linked to unfavourable or unclear contractual arrangements with third parties. While aiming to increase their profits and sustain their businesses, third parties often undertake different means to transfer risks and responsibilities onto sex workers in order to maximise their flexibility. This results in work engagements that are typically temporary and intermittent, as well as poorly paid. Most importantly, however, they are also very rarely tied to protections associated with regular or permanent forms of employment and the status of an employee or worker. Many sex workers work without having signed an employment contract with their respective employer or venue owner. Numerous employment relationships are based on disguised or 'phony' contracts, which wittingly conceal the nature of the labour and the character of the services involved. Others register as self-employed and still end up performing work and bearing responsibilities typically associated with regular (and legally protected) labour arrangements. Many operate as tenants or contractors seemingly leasing rooms at sex work venues, though their managers and bosses exert high levels of control and regulation over their work. The work of others is being mediated through agents, managers, and other facilitators, whose labour relations with and obligations towards sex workers are often highly ambiguous, fluid or unclear.

In Spain, where brothel keeping is criminalised, brothels imitate hotels where sex workers have no employment contracts signed and are to act as random guests renting hotel rooms in case of police control. In fact, 'hotel' owners oblige sex workers to work the full shifts, account them for the number of clients, charge considerable commissions, and can arbitrarily dismiss them form work. It is not uncommon that sex workers – sham hotel guests – are requested to perform unpaid labour, for examples to clean the facilities, keep the books, or operate telephone line.
(CATS, Spain, personal communication)

12 See e.g. Bruckert & Law 2013.

Such work arrangements, often defined as precarious[13] or exploitative, are very disadvantageous not only because they create uncertainties with regards to the expected workload, continuity of employment, and stability of earnings, but also due to the fact that they further contribute to sex workers' vulnerability vis-à-vis third parties. A lack of clear employment status and overall job insecurity results in greater levels of economic dependency on managers, agents, and other employers. In turn, this increases the probability of exploitative and unjust practices in the workplace and leaves sex workers with very few – if any – means to safeguard their labour and human rights in the workplace.

Absent benefits and protections

Unfair and casualised labour arrangements prevalent in the sex industry also translate into an absence of those workers' protections usually guaranteed by social security and labour laws. On the one hand, sex workers in Europe and Central Asia very rarely enjoy welfare benefits and work-related social and financial provisions usually secured within (full-time) standard employment relationships. Thus, they do not have access to benefits such as accident compensations, sick leave, parental leave, paid holiday leave, pension benefits, or disability allowances, and have to cover such expenses by themselves and bear other financial consequences resulting from them. In numerous countries of the region, sex workers are also not being provided with health and social insurances and face severe legal and economic barriers when trying to obtain them, since these are frequently granted in connection to one's employment status or work relationship.[14] Deprived of this welfare safety net, sex workers may experience greater economic and existential vulnerability and thus resolve to perform their work while sick, tired, menstruating or pregnant when they are in precarious circumstances or being pressured by third parties.

In Turkey, female sex workers are allowed to work in licenced brothels. The workers are obliged to hand in monthly fees to brothel owners in order to be granted health insurance and pension benefits. However, a manager of numerous legally operating brothels in Istanbul abused his power and deliberately failed to cover workers' pensions and social security benefits for several years to increase his profits. The aggrieved sex workers took him to court, won their case and received financial compensation. (Red Umbrella Association, Turkey, personal communication)

On the other hand, sex workers' ability to exercise their rights as workers and access protections is usually extremely limited, whether they are entirely excluded from labour codes and regulations because they work in illegal or informal economies, or are legally recognised as individual entrepreneurs and therefore regarded as self-employed, i.e. acting outside of regular employment relationships, or employed on temporary, fixed-term, or agency contracts. Some of the most commonly reported exploitative workplace practices prevalent in the sex industry across the region are: immediate or arbitrary termination of employment, wage manipulations,

13 See e.g. ILO 2012, Standing 2011.

14 This is particularity relevant for (undocumented) migrant workers and sex workers operating in legal contexts where sex work is heavily penalised or criminalised. For more details see TAMPEP 2009, BORDERNETwork 2012.

unpredictable labour arrangements, random changes in work settings and working hours, or extremely long working hours, and no pay for overtime. Furthermore, whilst being denied legal recognition and protection as workers, sex workers face great challenges when trying to voice work-related concerns, access justice, or join trade unions to bargain collectively. Their appeals often go unheard or are arbitrarily dismissed, as are their attempts to initiate collective action. More often than not, sex workers are reluctant to openly express their discontent or demand their rights, whether individually or collectively, for fear it might worsen their working conditions or leave them jobless and without income. The fact that in the majority of European countries, sex workers are deprived of access to collective bargaining and unwelcome in existing trade unions – due to the stigma attached to sex work or since they do not fit into legally and socially accepted categories of workers or employees[15] – further hinders control over their workplace arrangements and spurs power imbalances between them and the aforementioned third parties.

Vanishing earnings

In the mass media and popular culture, the sex industry is often presented as one of the best-organised and lucrative markets in the global economy. Rapid growth and the profitability of sexual commerce, typically illustrated with billions of annual turnovers worldwide, are usually associated with technological developments, e.g. smartphones and the Internet, overall shifts in patterns of leisure and consumption, or increased migration flows and mobility. What is rarely being discussed, however, is that the prosperity of the sex industry is largely guaranteed and furthered at the expense of sex workers' income and their economic security. This is due to the unfair internal organisation of workplace economies within the sex industry, which allows third parties – venue owners, bosses, managers, administrators, procurers, or landlords – to take advantage of and capitalise on sex workers' earnings, labour, skills, and time. The ways by which third parties generate and maximise their financial profits from sex workers' labour differ depending on the character of their professional relationships and may vary significantly across different sectors of sex industry.

To have the right to work inside the place and find clients I have to pay the entry, of course. This means that if I don't do enough clients, I work for free and the owner is the only one who earns. (Anita, sex worker in Germany)

In a managed sector, which is administered and controlled by third parties facilitating and handling transactions between sex workers and their clients, sex workers are often obliged to pay commissions to third parties. Such payments, whether they are percentages of sex workers' earnings (usually ranging from 15 to as much as 50 percent) or flat fees paid at the end of the shift or working week, are also common in indoor sex

15 ICRSE 2015.

work venues, including massage parlours, hotels, or strip and lap dance clubs. Frequently, these are also supplemented with additional payments including house fees, similar to flat commissions, entry fees, room rental fees, charges for drinks or food, and – sometimes compulsory – tips to different staff members, be they maids, doormen, DJs, receptionists, or drivers. Many sex work businesses increase their surplus value and take advantage of sex workers' earnings through internal fining systems subjecting sex workers to heavy and often entirely arbitrary financial punishments for 'offences' such as being late, taking a day off, dressing 'improperly', talking back to rude clients, or using one's mobile phone while at work. It has also been reported that in some indoor venues, sex workers are obliged to pay for safer sex supplies, cover phone bills and charges for overheads, heating, water, or electricity.

Sex workers operating in outdoor settings are frequently burdened with excessive fees imposed on them by various third parties. These might include commissions (reaching even up to 80 percent of sex workers' earnings), payments to those who supposedly ensure sex workers' safety and security, fees for working on a particular spot (be it a street corner, park or highway), and lavish costs associated with services of taxi drivers 'owning' the territory. Independent workers also have to give away a considerable share of their incomes to third parties facilitating their work. It has been reported, for instance, that landlords providing spaces for sex work or webmasters publishing advertisements of sexual services frequently demand exorbitantly inflated payments, exploiting sex workers' weaker bargaining position or reliance on their services.

(Undocumented) migrant sex workers are particularly prone to various forms of economic exploitation and wage manipulation by a variety of third parties. First of all, upon deciding to engage in sex work in an EU country, many non-EU sex workers need to enter into a contract with smugglers, 'sponsors' or 'recruitment agencies' that commit them to pay back a loan incurred for their migration and placement at a sex work venue. Such financially binding arrangements not only limit migrants' mobility within and across sex work settings, but also render them vulnerable to systematic wage manipulations and deductions. Secondly, isolated from their social networks, communities and families, deprived of alternative income sources and lacking sufficient language skills, migrant sex workers are largely dependent on numerous intermediaries and middle (wo)men who manage their accommodation, nutrition, living and working arrangements, transactions with clients, and many other aspects. Again, these third parties frequently take advantage of sex workers' reliance on them and impose numerous, and often arbitrary fees for their services, absorbing a significant portion of sex workers' income. Finally, due to their

In Belgium, the penal code indicates that to rent a flat or room for prostitution in order to gain 'abnormal benefits' is against the law, whilst the Court of Cassation stipulated that rent has to be excessive for an offence to be established. However, without clear indication of what represents an 'abnormal or excessive' profit, many third parties charge exorbitant amounts of rent without repercussions. This practice is commonly referred to as 'real estate pimping'. Councils themselves have been denounced by sex workers as profiting excessively from sex work when demanding a special tax from sex workers who operate in windows ("carres"). (Cangelosi 2012)

"I have to pay for everything: help with arranging the flat and the clients, protection, bills, madams' share, fake identity documents, money transfers to my family at home. Most of the time, I don't earn enough to cover all this and have to borrow money from the madam, with a huge interest rate, of course." (Juliet, Nigerian sex worker in Paris, France)

(sometimes undocumented) migration status, which limits their access to both the justice and protective employment and labour laws, migrant sex workers command little power to demand and negotiate favourable earnings, shares and commissions with their employers, agents or venue owners. All of the above severely curtails their income which is hardly enough to survive, let alone support their families abroad.

Hazardous working conditions

Although the universal human right to favourable, safe and healthy working conditions has been recognised in numerous national laws and internationally binding treaties, such as the International Covenant on Economic, Social and Cultural Rights[16] or the WHO Declaration on Occupational Health for All,[17] sex workers' safety, welfare, and well-being at work is frequently compromised by employers, managers, agents, and venue owners. Since sex work is often criminalised or not recognised as a legitimate occupation, it is not covered by occupational health and safety or other labour laws that hold employers accountable for safeguarding the respective work environments in their businesses. Moreover, as they often run these businesses illegally or operate them in the informal labour market where employment relationships are vague or concealed, third parties rarely bear and assume any responsibility for implementing health and safety measures, especially if such efforts might diminish their profits. As a result, sex workers in Europe and Central Asia often operate in hazardous work environments and are often unable to exercise sufficient control to limit the health and safety risks they are exposed to.

As mentioned above, excessive or constantly changing working hours, pressure to work while ill, menstruating or exhausted, and providing services to more clients than they feel comfortable with during one shift were identified as some of the most common exploitative and hazardous workplace practices in the sex industry. Physical, emotional, sexual or economic violence perpetrated by criminals posing as clients, co-workers, passers-by or different third parties were also described as serious threats, and only rarely were thee tackled through the implementation of effective safety and security procedures at the workplace, such as the employment of bouncers, security cameras, 'ugly mugs' schemes, or alert systems, panic buttons, and emergency codes that could be used when threats are being made or abuses occur. Sex workers in the region reported that these measures were often regarded by third parties as being too costly, or that they might discourage potential clients and therefore put busi-

"The heating was not fixed and we had to dance naked. Many of us were ill during the winter without sick leave, since we were all self-employed, but they didn't care because there was enough turnover." (Gabriela, stripper in London; UK)

16 UN General Assembly 1966.
17 WHO 1994.

nesses' prosperity at risk. Profit-interest therefore frequently prevents third parties in the indoor sector from improving workplace amenities, be it in the form of showers, separate rooms, meals, or heating in wintertime. This, in turn, often contributes to very harsh or austere working environments, which put sex workers' health and safety at serious risk.

Sex workers' sexual and reproductive health needs in the workplace are also insufficiently addressed. Managers, agents or venue owners rarely provide high-quality condoms and lubricants, post-exposure prophylaxis, contraceptive pills, or assistance to obtain medical consultations. On the contrary, it has been reported that third parties usually pass the responsibility for financing personal safety equipment and health services onto sex workers, or make profits by selling condoms at exorbitant prices, including those distributed free of charge by outreach workers. It has also been reported that in several countries, employers, managers or venue owners pressure sex workers into offering unprotected sex, if it might increase their profits. Cases where sex workers had to accept drunk, rude or even aggressive clients, provide sexual services they would otherwise not agree to, or were made to renegotiate with clients to increase the financial benefit for third parties were also identified. Such practices significantly undermine sex workers' ability to effectively manage their relations with clients, consistently engage in safer sex practices, and protect their autonomy at work. In turn, this perpetuates the vicious circle of exploitation by significantly undermining sex workers' bargaining position vis-à-vis third parties.

Macedonian sex workers taking part in the demonstration commemorating the International Labour Day, Skopje, Republic of Macedonia, May 1st 2013, credit: STAR-STAR.

DISENTANGLING LINKS BETWEEN EXPLOITATION AND CRIMINALISATION

While acknowledging that the complex system of relations connecting sex workers with third parties can often translate into unfair and exploitative workplace practices, it is important to stress that these work relationships and arrangements do not exist in a vacuum. The forms of labour exploitation experienced by sex workers differ depending on the country, dynamic of the broader labour market, character of the respective social environment, and the different sectors of the industry. Most importantly, however, they are determined, and in many cases made possible by oppressive laws criminalising sex workers, their workplaces, third parties and their clients. When criminalisation drives sex work into the shadows, unfair and exploitative practices have the potential to emerge and thrive.

When criminalisation drives sex work into the shadows, unfair and exploitative practices have the potential to emerge and thrive.

Although legal approaches to sex work vary remarkably throughout Europe, in most countries sex work is tightly entangled in a range of punitive laws and regulations that push sex workers underground, i.e. into informal or black economies, remote areas, isolated places, or hostile social environments. Forced to operate in such unfavourable circumstances, sex workers are often insecure, disempowered, and exposed to policing, harassment, and violence. In consequence, their bargaining position in relation to others, including clients, the police, and a variety of third parties, is considerably weakened, and they frequently have little choice but to rely on the services of managers, agents or guards to safeguard their workplace, income and safety at work, albeit with the above mentioned detrimental effects. Thus, criminalisation renders sex workers more prone to exploitation and unfair treatment at their workplaces, as it allows third parties to take advantage of their vulnerability and dependency on support.

"Several sex workers we know decided to leave an exploitative boss and worked together from a shared flat. In 2011, some masked men broke into their apartment and beat them heavily. After they reported the violent attack to the police, these sex workers were arrested and fined for engaging in sex work. One of them was also prosecuted for pimping and got a prison sentence. Nobody cared to chase the perpetrator." (STAR-STAR, Macedonia, personal communication)

In addition, due to laws criminalising procuring, managerial involvement in sex work, brothel keeping, facilitating sex work or living off the earnings of sex workers, prevalent in most of the European and Central Asian countries, third parties are at risk of imprisonment or heavy fines. As a result, they tend to focus on protecting their profits rather than the safety and wellbeing of sex workers, and frequently shift the risks related to running an illegal business onto them. This manifests itself in precarious labour arrangements, vague employment relationships, excessive fees and commissions, hazardous working conditions and other unjust and exploitative practices. Most importantly, however, the same laws addressing third party involvement are also being used against sex workers who decide to operate in collective arrangements and share their earnings and expenses

with other peers rather than pay managers, venue owners, or other third parties. Across the European region, sex workers working together for safety are being treated as criminals and faced with serious risks of being prosecuted and imprisoned. In turn, this discourages sex workers from forming workers' collectives and operating in exploitation-free work environments, therefore pushing them into the managed sector where unjust workplace practices can easily flourish.

Criminalisation, whether of sex workers themselves or third parties, therefore effectively deprives sex workers of protections against exploitation and unfair labour arrangements as it excludes them from employment legislation and access to rights and privileges that other workers enjoy. Unable to benefit from labour laws and employment codes, they are practically unable to resolve workplace conflicts or report exploitative labour practices. Similarly, when working in shadow or underground economies, sex workers are deprived of the ability to seek redress when unfairly dismissed or discriminated against at work, or when being subjected to harassment and abuse on the part of their employers, agents or managers. Although it is widely recognised that the chance to unionise and engage in collective action is critical in empowering workers to demand better labour conditions and fair employment arrangements, this legal oppression and the failure to recognise sex work as work render it next to impossible for sex workers to use these mechanisms to oppose unjust and exploitative practices. In other words, in the context of criminalisation, sex workers' ability to bargain collectively, organise strikes, or in any other way insist on measures that could protect them from exploitation is extremely limited, which contributes to maintaining and exacerbating the power asymmetry between them and third parties.

(Undocumented) migrant sex workers' right to redress and ability to counter labour exploitation are severely hampered due to the criminalisation of sex work, anti-trafficking provisions, and repressive migration laws. Frequent raids and so-called 'rescue operations' at sex work venues, as well as interrogations and detentions based on rracial profiling – increasingly present across the region – force migrant sex workers to work clandestinely, rendering them particularly vulnerable to exploitation and abuse. It has also been reported that heightened restrictions on migration and greater border control significantly increase sex workers' dependency on third parties who arrange their migration and facilitate their employment upon arrival in the country of destination. This increasing dependency often translates into higher debts, remunerations and commissions, having to perform more work to pay off third party services, and other exploitative and unfair workplace practices. While many states and organisations claim to address the vulnerabilities of migrants in the sex industry

In New Zealand, where sex work has been decriminalised in 2003, sex workers' working conditions in the managed sector have significantly improved. Health and safety measures were introduced, it was made illegal for brothel keepers to force sex workers to accept clients, and sex workers have the right to redress when mistreated by managers. The law also permits businesses owned and operated by sex workers. Up to four sex workers can create a cooperative and work together from one space without applying for a (brothel) operator's licence.

The problem that arises in conflating trafficking with all sex work means that funding for services is directed towards addressing the needs of trafficked persons, while other workers in the industry who are being exploited or suffering from difficult working conditions - but who are not trafficked - are denied the resources that would empower them to change those circumstances. (x:talk 2010: 34)

by introducing anti-trafficking policies and 'rehabilitation' programmes, little is done to genuinely empower (undocumented) migrant sex workers through legal recognition, including access to labour rights and other welfare benefits. On the contrary, they can be threatened with arrest and deportation if they attempt to challenge or report exploitative workplace practices but refuse to identify themselves as victims of trafficking or fail to meet the respective trafficking victim criteria in any given country.

Finally, criminalisation not only makes sex workers more vulnerable to exploitation on the part of various third parties, it also triggers economic violence and exploitative practices by the state and law enforcement agencies. Across Europe and Central Asia, sex workers are being targeted by repressive laws and regulations which subject them to numerous fines imposed in the name of 'morality', 'peace and order', or 'welfare of the society'. Even in countries where selling sex is not penalised, sex workers are repeatedly fined for non-criminal offences, such as vagrancy, loitering, hooliganism, public indecency, or lack of proper documents. Precariousness and vulnerability make sex workers easy targets for systematic policing and continuous charges, which is particularly true for outdoor workers, (undocumented) migrants, and sex workers from different minority groups. In many parts of the region, law enforcement officers extort money, sexual services, exorbitant bribes, and other goods from sex workers when conducting police raids, sweep-ups and 'cleansing' actions. Paradoxically, in some contexts, police-driven extortion is so common that it has become indistinguishable from the exploitative practices of third parties the police claims to fight against.

In Russia's Northwest district 94.4% , in Kyrgyzstan 80%, and in Serbia 37.5%) of sex workers reported having to pay extortion money to police more than once a week. A number of sex workers in Kyrgyzstan and Russia reported having to pay police off on a daily basis, or even multiple times a day. (SWAN 2009: 30)

Sex workers protest against police raids and closures of flats (in the name of rescuing victims of trafficking) in Soho during a Soho Parade, London, UK, July 2009, credit: Crossroads Audio Visual Collective and English Collective of Prostitutes.

CONCLUSIONS

As noted in the introduction, neo-abolitionists frequently depict sex work as inherently degrading, slavery-like, and a form of 'sexual exploitation'. But while extreme conditions, exploitative arrangements and unfair workplace practices are indeed common in sex industry, they are neither unique to nor uniform across the sex industry. In fact, the exploitation and unjust treatment of workers of any profession are prevalent in the majority of labour markets within the global capitalist system, as is the increasingly growing precarisation of employment and work. But among all those selling their labour power, sex workers are singled out and denied recognition as workers and either directly or indirectly criminalised. If sex workers are to enjoy fair and just working conditions, the ability to defend themselves against exploitation, and protection from such degrading practices as debt-bondage or virtual enslavement, sex work needs to be fully decriminalised and treated as legitimate economic activity. Sex workers should also be given the opportunity to self-organise and bargain collectively. Only these measures can empower sex workers to demand their rights at their workplaces and provide them with the legal tools to guard themselves against exploitative conditions in the sex industry. They would also enable sex workers to have greater freedom when choosing their preferred work environments and terms of employment, and allow them to create non-exploitative labour arrangements, for instance in the form of collective workplaces or peer-cooperatives. Additionally, the decriminalisation of sex work and recognition of sexual labour as work will not only help to create safer and fairer working conditions in the sex industry, but could also enable those wishing to leave sex work to take up other work without having to fear that their career plans would be blocked by criminal records, debt-bondage or blackmail by future employers.

The exploitation and unjust treatment of workers is in fact prevalent in majority of labour markets within global capitalism, as is the increasing precarisation of employment and working conditions. This means that globally and in the European region growing numbers of workers are deprived of access to labour protections and labour rights they ought to be granted with.

Exploitation in the sex industry, as well as the social and structural factors that enable it, have been at the centre of sex workers' struggle for decades already. Below, some of the strategies will be highlighted used by sex worker collectives and organisations across Europe and Central Asia to denounce and challenge exploitative working conditions sex workers are subjected to.

Supporting self-organisation and collective mobilisation among sex workers

One of the key strategies to challenge exploitation and unfair practices in the sex industry is the collective mobilisation and self-organisation of sex worker communities. Building a strong sex worker movement and supporting the self-determination of sex workers at the local and national level is essential in reducing sex workers' vulnerability, overcoming their isolation and marginalisation, and fostering solidarity. Community mobilisation and the development of sex worker-led collectives across the region enable sex workers to identify and share information about exploitation and unjust workplace practices prevalent in different sectors of the sex industry, and to therefore challenge these more effectively. Crucially, community empowerment and self-organisation recognise and respect the diversity of sex workers' identities and lives realities, and thus include all sex workers into the joint struggle against exploitative and unfair working conditions. Another important element is the forging of alliances with other sex worker organisations, collectives and regional advocacy networks, such as ICRSE or SWAN. These alliances enable the exchange of experiences, knowledge and expertise between activists operating in different social and legal contexts, and the strengthening of the sex workers' movement across national borders and cultural contexts.

Advocacy against the criminalisation of sex work

Oppressive laws targeting sex workers, their workplaces, clients, and third parties adversely affect sex workers' working conditions and render them vulnerable to exploitation. Therefore, many sex worker collectives engage in a struggle against exploitation in sex industry by demanding the removal of penalties and all other criminal and non-criminal laws used to target sex workers in many European and Central Asian countries, and for the adoption of legal frameworks that fully decriminalise and depenalise sex work. Advocacy against the criminalisation of sex work can take many different forms. Numerous collectives across the region regularly organise protests and demonstrations calling for legal reforms or objecting to legal developments that would harm sex workers and likely expose them to exploitation, as in the case of sex workers in Barcelona, Spain, who repeatedly took to the streets to oppose the city council's attempts to ban outdoor sex work.[18] Many engage in national and international media and advocacy campaigns aimed at raising awareness of sex workers' rights and promoting favourable legal reforms. Examples include the 'Honeyball No' campaign coordinated by ICRSE in 2014 to counter the proposal for an EU-wide criminalisation of sex workers' clients made in the so called

18 http://sensationsensation.com/index.php/prostitues-in-raval-barcelona/

'Honeyball Report',[19] the '#pledgedecrim' campaign organised in 2015 by the English Collective of Prostitutes (ECP) to promote the decriminalisation of sex work in the UK,[20] or the successful global mobilisation in support of Amnesty International's draft policy on sex work in 2015, facilitated by numerous sex worker organisations and trans-national networks, including ICRSE,[21] NSWP,[22] and SWAN.[23]

Advocacy for the recognition of sex workers' labour rights

Another strategy that sex worker collectives across Europe use to tackle exploitation in the sex industry is the advocacy for the recognition of sex work as work and a legitimate income generating activity. In order to guard themselves against exploitative conditions in the sex industry and to limit unsafe and unfair workplace practices, sex workers have to be able to enjoy the same labour rights and protections as all other workers. The demand for the recognition of sex work as a form of legitimate labour is therefore central to the sex worker movement and drives sex worker mobilisation in France, Italy, Kazakhstan, Northern Ireland, Norway, Ukraine, and many other countries, where community organisations stage demonstrations, e.g. on May 1st, the International Workers Day,[24] develop informational campaigns, engage in lobbying members of parliament, and provide state officials, medical personnel or the police with sensitising trainings on sex workers' occupational needs and concerns. An example of international awareness raising campaigns advocating for the recognition of sex work as work and sex workers' labour rights was the 'Different jobs. Equal Rights' campaign developed within the framework of the Indoors Project.[25] Another example was the 14th issue of the Research for Sex Work journal, published by NSWP in August 2015. Titled 'Sex Work is Work', the journal featured articles focusing on community engagement in the struggle for sex workers' labour rights.[26]

19 http://www.sexworkeurope.org/campaigns/tell-european-parliament-vote-against-criminalisation-clients
20 http://www.pledgedecrim.com/
21 http://www.sexworkeurope.org/news/general-news/icrse-1100-organisations-and-individuals-ask-amnesty-international-support
22 http://www.nswp.org/news/nswp-issues-statement-support-amnesty-international-and-launches-online-petition
23 http://swannet.org/en/content/letter-support-amnesty-international
24 http://www.sexworkeurope.org/campaigns/may-day-international-workers-day
25 http://www.indoors-project.eu/
26 http://www.nswp.org/news/research-sex-work-14-sex-work-work-published

Promotion of safer and non-exploitative workplaces for sex workers

Sex worker collectives also attempt to tackle exploitative practices in the sex industry by empowering sex workers operating in different venues to demand fair and safe working conditions. The vast majority of community-led organisations provide their peers with work-related health and safety education, preventive materials, and advice on how to manage interactions at work. Some collectives, including Silver Rose in Russia or STAR-STAR in Macedonia, engage with managers, controllers, or owners of sex work businesses and settings to improve working conditions and implement occupational health and safety provisions for sex workers. Others, such as the Collectivo Hetaira in Spain or Hydra in Germany, have launched peer education projects to enhance sex workers' capacities to negotiate and bargain with agents and employers.[27] PROUD in the Netherlands and Rose Alliance in Sweden provide community members with information on their labour rights, tax obligations, and workers' benefits, e.g. paid sick leave. Several sex worker collectives in the region, for example STRASS in France or the Sex Worker Open University (SWOU) in the UK, actively promote the development of collective workplaces and sex worker cooperatives to help create fairer and more just working conditions. Finally, some community-led projects, including the Italian Committee for the Civil Rights of Prostitutes, combat forced labour and exploitation in the sex industry by providing support services to trafficked persons.

Sex worker unionisation

Yet another strategy used by community-led collectives across Europe is the promotion of unionisation among sex workers in order to advocate for the recognition of sex workers' labour rights and to address exploitation at sex work venues. In countries where sex work is legally recognised as work, namely in Germany and the Netherlands, sex worker organisations have been forging close cooperation with mainstream national trade unions (Ver.di, United Services Union in Germany; FNV, Dutch Federation of Trade Unions)[28]. In France, sex workers have established STRASS, an autonomous sex worker labour union, which actively campaigns for fair working conditions in the sex industry, promotes collectively operated workplaces, and organises against the structural factors which contribute to sex workers' vulnerability to exploitation. Like many other sex worker organisations in the region, STRASS also attempts to forge alliances with the workers' movement and various workers' organisations in a common struggle against exploitation and the precarisation of labour in the global capitalist economy.

27 See e.g. Autres Regards 2012.
28 Gall 2012.

Empowering the most vulnerable sex worker communities

The level of sex workers' empowerment and autonomy at work differs across the various sectors of the sex industry and depends on a variety of different factors. However, it has been reported from across the region that some sex workers are particularly vulnerable to exploitation, unfair treatment and precarious working conditions due to their legal status, nationality, ethnicity, economic situation, sexual orientation, gender identity, drug use, or health condition. For that reason, many community-led collectives in Europe and Central Asia have developed interventions and projects to address the needs of the of the most severely marginalised members of the sex worker community, foster their self-determination and self-organisation, and provide them with support to increase their bargaining power vis-à-vis third parties and law enforcement agencies. Numerous organisations support cross-border and domestic migrant sex workers in obtaining documents granting them legal protection, access to health services, welfare benefits, and other rights citizens are entitled to. Several collectives, such as the x:talk project in the UK, empower migrant sex workers through language classes which help them to negotiate work arrangements with managers or venue owners more effectively, and to better navigate the sex industry.[29] Other collectives focus their activities on protecting the rights of and providing support to sex workers coming from different, and often heavily discriminated minorities, including Roma sex workers in Serbia or Macedonia, trans sex workers in Turkey, or sex workers who use drugs in Ukraine. Some, like Tais Plus in Kyrgyzstan, set up shelters and safe spaces for sex workers in crisis situations, e.g. those who face homelessness or flee violent conflicts.[30]

Supporting sex workers access to justice

Many sex workers across Europe and Central Asia face severe barriers when attempting to assert their rights in the justice system. This contributes to their vulnerability to exploitation and unfair treatment, as is creates a climate of impunity for exploitative third parties and others, including the police, who might take advantage of sex workers. Therefore, many sex worker-led organisations in the region engage in legal activism and undertake actions to facilitate sex workers' access to justice when exploitation occurs. The Red Umbrella Sexual Health and Human Rights Association in Turkey, or STRASS in France, for instance, cooperate closely with trusted and sensitised lawyers who help sex workers to bring exploitation-related cases to court. Some collectives, like Hydra in Berlin, Germany, establish emergency legal aid funds sex workers can apply for when they need to hire a lawyer or cover costs of a trial. Others enhance sex workers' legal literacy through 'Know your rights' workshops, as Silver Rose in Russia, and fact sheets, usually in numer-

29 http://www.xtalkproject.net/
30 NSWP 2014.

ous languages, detailing sex work- and labour-related laws, or, like SCOT-PEP in Scotland, develop 'bust cards' that inform sex workers how to protect themselves in case of police raids, or when facing charges, such as 'brothel keeping' for working together collectively.

Advocacy for social justice and expanding job opportunities for all

Finally, many sex worker collectives treat the fight against exploitative and unfair labour arrangements in the sex industry as part of a greater struggle for social justice and better working conditions for all workers. They acknowledge that precarisation of work and unfair workplace practices in sex work venues reflect trends prevalent in many labour markets, in which millions of workers are vulnerable to exploitation, while simultaneously reducing their rights to redress and bargain collectively. Several community organisations, including SWOU or ECP in the UK, address sex workers' precarity and vulnerability by exposing the structural factors that economically disempower people and leave them with few job opportunities outside of the sex industry. They actively engage in debates over the different ways in which the dramatically rising poverty and austerity, which particularly affect women, migrants, and other marginalised communities, might be effectively tackled to safeguard them with more viable employment options, or to give them a power not to accept exploitative working conditions once they enter sex industry. A basic income, secure housing, universal childcare, and inclusion of migrant workers into the formal labour market are but a few of the demands they have put forward.[31] Thus, sex worker collectives in the region advocate not only for improvement of working conditions in the sex industry but also condemn economic and gender inequalities, racism and xenophobia, repressive migration controls, or homo- and transphobia, all of which limit people's opportunities at the labour market.

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31 See, for example, SWOU 2014.

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